

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

LANE E. VAN ROOYEN

Plaintiff,

vs.

ANCHORAGE NEIGHBORHOOD HEALTH
CENTER, INC., and ANCHORAGE
COMMUNITY MENTAL HEALTH
SERVICES, INC.

Defendants.

COPY
Original Received
APR 21 2014

Clerk of the Trial Courts

Case No. 3AN-13-11107 Civil

FIRST AMENDED COMPLAINT

Comes now plaintiff, and for her Complaint, states and alleges as follows:

1. Plaintiff Lane Van Rooyen, at all times pertinent, was a resident of Anchorage, Alaska and a patient of defendant Anchorage Community Mental Health Services, Inc. (ACMHS) and defendant Anchorage Neighborhood Health Center, Inc. (ANHC).

2. Defendant ACMHS, at all times pertinent, was a corporation licensed and authorized to conduct business in the State of Alaska and provided continuous psychiatric care and treatment to plaintiff, commencing in approximately September of 2010. At all times pertinent, Scott Terranella MD was an employee of ACMHS acting within the scope of his employment and plaintiff's treating psychiatric provider.

3. Defendant ANHC, at all times pertinent, was a corporation licensed and authorized to conduct business in the State of Alaska and provided primary medical care

First Amended Complaint
Case No. 3AN-13-11107 Civil
Page 4

FLANIGAN & BATAILLE
1007 West 3rd Ave., Suite 206
Anchorage, Alaska 99501
Phone 907-279-9999
Fax 907-258-3804

and treatment to the plaintiff commencing in approximately February of 2009. At all times pertinent, Heidi Baines MD was an employee of defendant ANHC acting within the course and scope of her employment and the plaintiff's treating primary care physician.

4. At all times pertinent, plaintiff was suffering from bi-polar disorder and was prescribed the medication lithium as part of her treatment for her bi-polar disorder.

5. Commencing at least by November of 2011, defendants know or should have known that plaintiff was manifesting symptoms consistent with an elevated lithium level.

6. On or about December 28, 2011, plaintiff was hospitalized with a highly elevated lithium level.

7. At all times pertinent, defendant ACMHS owed plaintiff a duty not to needlessly endanger her health and to assess, diagnose and treat her with the degree of experience and/or care and/or knowledge and/or skill and/or judgment possessed by or ordinarily exercised by physicians specializing in psychiatric medicine.

8. Defendant ACMHS breached duties it owed to the plaintiff as set forth herein by needlessly endangering her health and in failing to assess, diagnose and treat her with the degree of experience and/or care and/or knowledge and/or skill and/or judgment possessed by or ordinarily exercised by physicians specializing in psychiatric medicine; including, but not limited to, the failure to 1) properly determine whether treatment with lithium was appropriate in light of the plaintiff's preexisting medical

conditions, 2) monitor plaintiff's serum lithium level in accordance with the standard of care required of mental health providers prescribing lithium to a patient such as plaintiff, 3) regularly review plaintiff's medications and medication dosages to assure that the plaintiff was not placed at risk of an elevated or toxic lithium level due to interactions with other medications (whether prescribed by ACMHS or others), 4) fully inform plaintiff and her family members of the risks and side effects of lithium before prescribing lithium, and the signs and symptoms indicative or consistent with an elevated lithium level, 5) obtain plaintiff's informed consent before prescribing lithium or allowing plaintiff to take other medications which might adversely affect plaintiff's lithium levels and the side effects of lithium, 6) regularly evaluate possible side effects or symptoms consistent with or indicative of an elevated lithium level, 7) diagnose or respond appropriately after the plaintiff manifested symptoms and/or side effects indicative of or consistent with an elevated lithium level and, 8) establishing and maintaining clear and regular communication regarding plaintiff's care, medications and medical condition between ACMHS and plaintiff's other medical providers, including plaintiff's primary care providers.

9. At all times pertinent, defendant ANHC owed plaintiff a duty not to needlessly endanger her health and to assess, diagnose, and treat her with the degree of experience and/or care and/or knowledge and/or skill and/or judgment possessed by or ordinarily exercised by physicians specializing in primary care medicine.

10. Defendant ANHC breached duties it owed to the plaintiff by needlessly endangering her health and in failing to assess, diagnose and treat her with the degree of experience and/or care and/or knowledge and/or skill and/or judgment possessed by or ordinarily exercised by physicians specializing in primary care medicine; including, but not limited to 1) prescribing plaintiff medication which defendant ANHC knew or should have known was contraindicated in a patient taking lithium, 2) failing to discontinue or recommend discontinuing lithium in light of the plaintiff's preexisting medical conditions and/or other medications, 3) failing to monitor plaintiff's serum lithium level in accordance with the standard of care required of patients such as the plaintiff, 4) failing to regularly review plaintiff's medications and medication dosages to assure that the plaintiff was not placed at risk of an elevated or toxic lithium level due to interactions with other medications (whether prescribed by ACMHS or others), 5) failing to regularly evaluate possible side effects or symptoms consistent with or indicative of an elevated lithium level, 6) failing to diagnose an elevated lithium level or respond appropriately after the plaintiff manifested symptoms and/or side effects indicative of or consistent with an elevated lithium level, 7) failing to obtain informed consent of the plaintiff before prescribing medications known or suspected of being contraindicated in patients prescribed lithium and, 8) failing to establish and maintain clear and regular communication regarding plaintiff's care, medications and medical condition between ANHC and plaintiff's other medical providers, including plaintiff's psychiatric providers.

FLANIGAN & BATAILLE
1007 West 3rd Ave., Suite 206
Anchorage, Alaska 99501
Phone 907-279-9999
Fax 907-258-3804

11. As a direct and proximate cause of the breaches of duty by ACMHS and ANHC as set forth herein, plaintiff sustained severe and permanent personal injuries.

12. As a direct and proximate cause of the breaches of the duties of defendants as set forth herein, plaintiff has and will continue to sustain injuries and damages including, but not limited to, past and future medical expenses, past and future pain and suffering, past and future loss of enjoyment of life and reduced life expectancy.

13. Defendants' breaches of duty as set forth herein were in reckless disregard of the health and safety of plaintiff and others similarly situated.

WHEREFORE, plaintiff prays for compensatory damages in excess of the jurisdictional limit of this court plus interest, attorney's fees, costs, and such other damages and relief as the court deems just and equitable.

Dated this 21st day of April, 2014.

FLANIGAN & BATAILLE
Counsel for Plaintiff

By:


CHRIS BATAILLE, ABA# 8406011